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CHAPTER 2-01. CITY COUNCIL

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2-01-010. Governing Body.

The governing body of Farmington City shall be a six-member council form of government consisting of six (6) members, one of whom shall be the Mayor and five (5) of whom shall be Council Members, which council is hereinafter referred to as the "City Council."

2-01-020. Powers and Duties.

The City Council shall exercise the legislative and executive powers of the City and may perform such other functions as may be specifically provided or necessarily implied by law.

2-01-030. Meetings.

(a) Regular Meetings. The City Council shall hold regular meetings to conduct the business of the City at least once each month and shall prescribe by ordinance the time and place for holding its regular meetings. Unless otherwise provided, regular meetings of the City Council shall be held at the offices of Farmington City, 130 North Main Street, Farmington, Utah.

(b) Special Meetings. If at any time the business of the City requires a special meeting of the City Council, such a special meeting may be ordered by the Mayor or any two Council Members. Notice of

the special meeting shall be provided in accordance with the provisions of *Utah Code Ann.* § 10-3-502, as amended. The order of the special meeting shall be entered into the minutes of the City Council.

(c) Closed Meetings. The affirmative vote of at least two-thirds of the City Council present at an open meeting for which notice is given and a quorum is present may call a closed meeting to discuss certain items as provided under *Utah Code Ann.* § 52-4-205, as amended. The reason or reasons for holding a closed meeting and the vote, by name, of each member of the City Council, either for or against the motion to hold the closed meeting, shall be entered on the minutes of the meeting. No ordinance, resolution, rule, regulation, contract, or appointment shall be approved at a closed meeting.

2-01-040. Open Meetings Law.

All meetings of the City Council shall be open to the public, except closed meetings, and shall be conducted in accordance with the Open and Public Meetings Act as set forth in *Utah Code Ann.* §§ 52-4-101, *et seq.*, as amended.

2-01-050. Notice of Meetings.

The City shall give public notice at least once each year of its annual meeting schedule and shall give not less than twenty-four (24) hours' public notice of the agenda, date, time and place of each of its meetings, other than emergency meetings, in accordance with *Utah Code Ann.* § 52-4-202, as amended.

2-01-060. Agenda.

A written agenda for each regular meeting shall be prepared by the City Manager or his or her designee and approved by the Mayor or Mayor pro tempore in the Mayor's absence. Any member of the City Council may request that one or more items be placed on the agenda.

2-01-070. Minutes.

Written minutes shall be kept of all meetings of the City Council in accordance with the provisions set forth in *Utah Code Ann.* §§ 52-4-203 and -206, as amended, and shall be presented to the City Council for review, correction and approval.

2-01-080. Mayor Presides.

The Mayor shall be the chairperson and preside at the meetings of the City Council. In the absence of the Mayor or because of his or her inability or refusal to act, the City Council may elect a member of the City Council to preside over the meeting as Mayor pro tempore in accordance with the procedures set forth in Chapter 2-03 of this Title.

2-01-090. Quorum.

No action of the City Council shall be official or of any effect except when a quorum of the Council Members are present, provided, that fewer than a quorum may adjourn a meeting. Three (3) or more members of the City Council shall constitute a quorum.

2-01-100. Voting.

(a) How Taken. A roll call vote shall be taken and recorded for all ordinances, resolutions, and any action which would create a liability against the City and in any other case at the request of any member of the City Council by a "yes" or a "no" vote. Every resolution or ordinance shall be in writing before the vote is taken.

(b) Number Required. The minimum number of "yes" votes required to pass any ordinance, resolution, or to take any action by the City Council, unless otherwise prescribed by law, shall be a majority of the members of the quorum, but shall never be less than three (3). Any ordinance, resolution, or motion of the City Council having fewer favorable votes than required herein shall be deemed defeated and invalid; provided, fewer votes may compel attendance of absentees, may adjourn a meeting from time to time, and may fill a vacancy in the City Council.

(c) Mayor Voting. The Mayor shall not vote except in cases of a tie vote of the City Council and as otherwise provided by law as more particularly discussed in Chapter 2-03 of this Title.

2-01-110. Reconsideration.

Any action taken by the City Council shall not be reconsidered or rescinded at any special meeting unless the number of members of the City Council present at the special meeting is equal to or greater than the number of members present at the meeting when the action was approved.

2-01-120. Summary Action.

When two (2) or more agenda items for a City Council meeting are determined by the City Manager to be of a routine nature, such items may be placed upon a Summary Action Calendar on the agenda. The Summary Action Calendar may be voted upon by the Council as one matter and shall have the same effect as if a separate vote on each Summary Action Calendar item was taken. Prior to a final vote on the Summary Action Calendar, any member of the City Council may request to take any or all items on the Summary Action Calendar off the Summary Action Calendar for discussion, debate or question. Any question, debate or discussion regarding an item on the Summary Action Calendar, except in the nature of clarification or brief explanation of the content of an item, shall require a request to remove the item from the Summary Action Calendar. No items requiring a public hearing shall be placed on the Summary Action Calendar.

2-01-130. Rules of Procedure.

Except as otherwise provided by law, the City Council may establish its own rules of procedure for the proper conduct of its meetings. In general, the City Council follows *Robert's Rules of Order* for the conduct of its business.

2-01-140. Attendance.

The City Council shall have the power to compel the attendance of its own members at its meetings and to provide penalties it considers necessary for the failure to comply with an exercise of authority to compel attendance.

2-01-150. Disorderly Conduct.

The City Council on a two-thirds vote of its members may expel any person who is disorderly and/or disruptive during the meeting of the City Council. The City Council may also on a two-thirds vote of its members expel or fine any Council Member for disorderly and/or disruptive conduct. This Section or any action taken by the governing body pursuant hereto shall not preclude prosecution under any other provision of law.

2-01-160. Required Attendance of Witnesses and Production of Evidence.

The City Council may require the attendance of any person to give testimony or produce records, documents or things for inspection, copying or examination necessary or useful for the governance of the

City. The City Council may issue subpoenas in its own name in the manner provided in the Utah Rules of Civil Procedure or may by ordinance establish its own procedure for issuing subpoenas under this Section.

2-01-170. Council Committees.

(a) Generally. The City Council may from time to time delegate portions of its authority by resolution to committees composed of at least two members of the City Council.

(b) Authority. Committees of the City Council shall be limited in authority to the specific assignment of the City Council and shall exercise their authority subject to a standard specified by the Council in making the delegation.

(c) As a Whole. The authority delegated to any committee of the Council must be exercised by vote of the committee as a whole and no individual committee member may exercise the delegated authority independently.

(d) Administrative Directives Limited. A committee of the Council may not issue instructions or recommendations to the City Manager or other City employees other than for routine support services without express delegation of authority to do so by the City Council.

(e) Reporting. The committee may return any recommendation or suggestions to the City Council which may at any time extend, restrict, or otherwise alter the delegation of authority to the committee.

(f) Designation of Chair. The assignment of a Committee Chair shall be made by the City Council when delegating any portion of its authority to a committee of the Council.

CHAPTER 2-03. MAYOR

- 2-03-010. Administrative Powers.**
- 2-03-020. General Powers.**
- 2-03-030. Presiding Officer.**
- 2-03-040. Voting Authority.**
- 2-03-050. Veto Authority.**
- 2-03-060. Mayor Pro Tem.**
- 2-03-070. Restrictions.**

2-03-010. Administrative Powers.

The ceremonial functions and administrative powers, authority, and duties of Farmington City are vested in the Mayor, except as delegated to the City Manager.

2-03-020. General Powers.

The Mayor shall have such duties as set forth in *Utah Code Ann.* § 10-3-809, as amended, and such additional duties, powers and responsibilities as the City Council may, by ordinance, resolution or directive, prescribe to the extent permitted by law.

2-03-030. Presiding Officer.

The Mayor shall be the chairperson and preside at the meetings of the City Council.

2-03-040. Voting Authority.

The Mayor shall not vote at meetings of the City Council, except in case of a tie vote of the City Council or as otherwise provided by law.

2-03-050. Veto Authority.

The Mayor shall have no power to veto any act of the City Council unless otherwise specifically authorized by statute.

2-03-060. Mayor Pro Tem.

In the absence of the Mayor or because of his or her inability or refusal to act, the City Council may elect a member of the City Council to preside over the meeting as Mayor pro tempore, who shall have all of the powers and duties of the Mayor during his or her absence or disability. The election of a Mayor pro tempore shall be entered in the minutes of the City Council meeting at which he or she is elected. Any member of the City Council elected as Mayor pro tempore shall still retain his or her power and authority as a member of the Council and shall be entitled to vote as a member of the City Council on all matters.

2-03-070. Restrictions.

The Mayor may not serve as the City Recorder or as the City Treasurer.

CHAPTER 2-06. ELECTION AND QUALIFICATION

- 2-06-010. Elections.**
- 2-06-020. Declaration of Candidacy.**
- 2-06-030. Nomination Petition.**
- 2-06-040. Residency and Registered Voter Requirements.**
- 2-06-050. Term of Office.**
- 2-06-060. Vacancies.**
- 2-06-070. Oath of Office.**
- 2-06-080. Bond.**
- 2-06-090. Salaries.**
- 2-06-100. Transfer of Records.**
- 2-06-110. Campaign Finance Statement.**
- 2-06-120. Ethics Act.**

2-06-010. Elections.

The offices of Mayor and Council Member shall be filled by election of the registered voters of Farmington City in an at-large municipal election held on the Tuesday after the first Monday in November, as provided in Chapter 3, Title 10 of the *Utah Code Annotated*. Municipal elections for the offices of Mayor or Council Member shall be conducted in the manner provided in the Utah Election Code, set forth in Title 20A of the *Utah Code Annotated*.

2-06-020. Declaration of Candidacy.

Any eligible and qualified person desiring to run for the elected municipal offices of Mayor or Council Member shall file a declaration of candidacy with the City Recorder in accordance with the filing requirements set forth in Title 20A, Chapter 9 of the *Utah Code Annotated*.

2-06-030. Nomination Petition.

Any resident of the City may nominate a candidate for elected municipal office by filing a nomination petition with the City Recorder in accordance with the filing requirements set forth in Title 20A, Chapter 9 of the *Utah Code Annotated*.

2-06-040. Residency and Registered Voter Requirements.

Persons eligible to file a declaration of candidacy or to be nominated for the elected office of Mayor or Council Member shall have been a resident of Farmington City for at least 365 consecutive days immediately before the date of the election, shall be a registered voter of Farmington City, and shall meet the requirements of *Utah Code Ann.* § 20A-9-203, as amended. Each person elected to the office of Mayor or Council Member shall maintain residency within the boundaries of the City during his or her term of office. If a person elected to the office of Mayor or Council Member establishes his or her principal place of residence outside the municipality during his or her term of office, the office is automatically vacant. If a person elected to the office of Mayor or Council Member is absent from the City anytime during his or her term of office for a continuous period of more than sixty (60) days without the consent of the City Council, that person's elected office is automatically vacant.

2-06-050. Term of Office.

Persons elected to the office of Mayor or Council Member shall begin their term of office at 12 o'clock noon on the first Monday in January following their election, and shall continue in office for four (4) years thereafter and until their respective successors are chosen and qualified, except in case of death, resignation, removal, or disqualification from office.

2-06-060. Vacancies.

Vacancies in the offices of Mayor or Council Member shall be filled in accordance with the provisions of *Utah Code Ann.* § 20A-1-510, as amended.

2-06-070. Oath of Office.

(a) Required. All elected officials shall take, subscribe and file the Constitutional oath of office before entering upon the duties of their respective offices. Elected officials shall take their oath of office at 12:00 noon on the first Monday in January following their election or as soon thereafter as is practical.

(b) Administered. The oath of office shall be administered by the City Recorder, any judge, or any notary public.

(c) Filed. All oaths of office shall be filed with the City Recorder.

(d) Failure to Comply. No official act of any officer shall be invalid for the reason that he or she failed to take the oath of office.

2-06-080. Bond.

(a) Required. Elected officers of the City before taking office shall execute a bond with good and sufficient sureties, payable to the City in such amount as set forth by the City Council, conditioned for the faithful performance of the duties of the respective officers and the payment of all monies received by such officer according to the law and the ordinances of Farmington City.

(b) Approval. The bonds of Council Members shall be approved by the Mayor, and the bond of the Mayor shall be approved by the City Council, at the first meeting of the City Council in January following a municipal election. All bonds of elected officers shall be filed with the City Recorder.

(c) Premium Charge. The premium charge by a corporate surety for any official bond shall be paid by Farmington City.

(d) Additional Bonds. The City Council may at any time require further and additional bonds of any elected officers of the City.

2-06-090. Salaries.

Elected officers shall receive such compensation for their services as the City Council may fix or amend by ordinance in accordance with the notice and hearing requirements set forth in *Utah Code Ann.* § 10-3-818, as amended. The compensation of elected officers shall be paid at least monthly. City staff, as part of the regular budget process, may review the appropriateness of the compensation received by the Mayor and City Council members and recommend adjustments thereto as deemed appropriate, taking into consideration the impact of inflation, consumer price index, and the compensation of elected officials in nearby cities of similar size.

2-06-100. Transfer of Records.

Every officer of the City upon expiration of his or her term for any cause whatsoever shall, within five (5) days after notification and request to do so, deliver to his or her successor all books and records which may be the property of the City.

2-06-110. Campaign Finance Statement.

(a) Statement Required. Each candidate for municipal office shall file with the City Recorder a Campaign Finance Statement, in substantially the same form as provided by the City, disclosing his or her itemized and total campaign contributions and expenditures in accordance with the procedures and requirements set forth herein.

(b) Time for Filing. Each candidate for municipal office who is eliminated at a municipal primary election shall file with the City Recorder a Campaign Finance Statement no later than thirty (30) days after the municipal primary election. Each candidate for municipal office who is not eliminated at a municipal primary election shall file with the City Recorder a Campaign Finance Statement no later than seven (7) days before the municipal general election and no later than thirty (30) days after the municipal general election. A Campaign Finance Statement required under this Section is considered filed if it is received in the City Recorder's Office by 5:00 p.m. on the date that it is due.

(c) Definitions. For purposes of this Section, the following words shall have the meanings set forth.

(1) Reporting Date. "Reporting date" means ten (10) days before a municipal general election (for a Campaign Finance Statement required to be filed no later than seven (7) days before a municipal general election) and the day of filing (for a Campaign Finance Statement required to be filed no later than thirty (30) days after a municipal primary or general election).

(2) Reporting Limit. "Reporting limit" means \$50.

(d) Campaign Finance Statement. Except as provided in Subsection (e), each Campaign Finance Statement shall:

(1) Report all of the candidate's itemized and total campaign contributions, including in-kind and other nonmonetary contributions as of the reporting date;

(2) Report all of the candidate's expenditures as of the reporting date;

(3) Identify for each contribution that exceeds the reporting limit, the amount of the contribution and the name of the donor;

(4) Identify the aggregate total of all contributions that individually do not exceed the reporting limit; and

(5) Identify for each campaign expenditure, the amount of the expenditure and the name of the recipient of the expenditure.

(e) Alternative Statement. If the candidate receives \$500 or less in campaign contributions and spends \$500 or less on the candidate's campaign, the candidate shall be required to merely report the total amount of all campaign contributions and expenditures.

(f) Notice to Candidates. The City Recorder shall, at the time a candidate for municipal office files a declaration of candidacy with the City and again fourteen (14) days before each municipal general election, notify the candidate in writing of:

(1) The provisions of State statutes or City ordinances governing the disclosure of campaign contributions and expenditures;

(2) The dates when the candidate's Campaign Finance Statement is required to be filed; and

(3) The penalties that apply for failure to file a timely Campaign Finance Statement, including the statutory provisions that requires removal of the candidate's name from the ballot for failure to file the required Campaign Finance Statement when required.

(g) Failure to File. Except as provided in Subsection (h), if a candidate fails to file a Campaign Finance Statement in accordance with the provisions of this Section and applicable provisions of State law, the City Recorder shall inform the appropriate election official who shall, if practical, remove the candidate's name from the ballot by blacking out the candidate's name before the ballots are delivered to voters; or if removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that the votes cast for the candidate will not be counted.

(h) Inadvertent Omissions. Notwithstanding Subsection (g), a candidate who files a Campaign Finance Statement seven (7) days before a municipal general election is not disqualified if: (1) the statement details accurately and completely the information required herein, except for inadvertent omissions or insignificant errors or inaccuracies; and (2) the omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.

(i) Public Records. Financial disclosure reports filed pursuant to this Section are considered public documents open to inspection in accordance with *Utah Code Ann.* § 10-3-208, as amended, and the Utah Government Records Access and Management Act, as amended.

2-06-120. Ethics Act.

All elected officers shall comply with the provisions, conditions and requirements of the Utah Officers' and Employees' Ethics Act as set forth in *Utah Code Ann.* § 10-3-1301, *et seq.*, as amended.